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 10 Countess, Milligan, and Estes

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12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

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JUAN ANGEL MARTINEZ, JR.,

C 07-4684 CRB (PR)

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Plaintiff,

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v.

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JAMES E. TILTON, et al.,

**DEFENDANTS' MOTION  
FOR AN EXTENSION OF  
TIME TO FILE A REPLY  
REGARDING THEIR  
MOTIONS TO DISMISS AND  
FOR SUMMARY JUDGMENT**

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Defendants.

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21 Defendants Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg,  
 22 Countess, Milligan, and Estes (Defendants) respectfully request a nine-day extension of time, up  
 23 to and including July 16, 2008, in which to file a reply regarding their motions to dismiss and for  
 24 summary judgment.

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Defs.' Mot. EOT File Reply

*Martinez v. Tilton, et al.*  
C 07-4684 CRB (PR)

1 As explained in detail by the accompanying declaration of counsel, Defendants need  
2 additional time to prepare a reply because Plaintiff's opposition is oversized and without a table  
3 of contents, and because Defendants' counsel was out of the office for over half of the available  
4 time to prepare the reply. This is Defendants' first request for an extension of time to file their  
5 reply.

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7 Dated: July 7, 2008

8 Respectfully submitted,

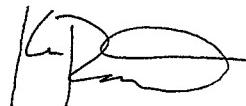
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17 KENNETH T. ROOST  
Deputy Attorney General  
18 Attorneys for Defendants Tilton, Scavetta, Horel, Silva,  
Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,  
and Estes

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Martinez v. Tilton, et al.**

Case No.: **C 07-4684 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 7, 2008, I served the attached

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY  
REGARDING THEIR MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT**

**DECLARATION OF KENNETH T. ROOST IN SUPPORT OF DEFENDANTS'  
MOTION FOR EXTENSION OF TIME TO FILE A REPLY REGARDING THEIR  
MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT**

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR AN EXTENSION  
OF TIME TO FILE A REPLY REGARDING THEIR MOTIONS TO DISMISS AND  
FOR SUMMARY JUDGMENT**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Juan Angel Martinez, Jr.  
H-93376  
Pelican Bay State Prison  
P. O. Box 7500  
Crescent City, CA 95532  
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 7, 2008, at San Francisco, California.

M. Xiang

Declarant



Signature